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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1984

2008 JUN 30 AM 9:50

UNITED STATES OF AMERICA,

Plaintiff,

v.

Hamilton SILVA-Vasquez

AKA: Hamilton Dacilua VASQUEZ-Cartagena

Defendant.

Magistrate Case No. _____

COMPLAINT FOR VIOLATION OF

YNH

Title 8, U.S.C., Section 1326

Attempted Entry After

Deportation

The undersigned complainant being duly sworn states:

On or about **June 29, 2008**, within the Southern District of California, defendant **Hamilton SILVA-Vasquez** AKA: Hamilton Dacilua VASQUEZ-Cartagena, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the San Ysidro Port of Entry, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence this **30th** day of **June, 2008**.

Barker L. Major
UNITED STATES MAGISTRATE JUDGE

Them

PROBABLE CAUSE STATEMENT

On June 29, 2008 at approximately 2:54 P.M., a male identified as **Hamilton SILVA-Vasquez AKA: Hamilton Dacilua VASQUEZ-Cartagena (Defendant)**, attempted to enter the United States from Mexico via the pedestrian primary lanes at the San Ysidro, California Port of Entry. Defendant presented himself for inspection before a Customs and Border Protection (CBP) Officer, stated he was a Permanent Resident living in Los Angeles and that he had lost his identification in Mexico. The CBP Officer referred Defendant to secondary for further inspection.

In secondary, Defendant's fingerprints were queried through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS revealed Defendant's identity as Hamilton SILVA-Vasquez and linked him to Immigration and FBI service records.

Queries through the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) reveal Defendant is a citizen of Mexico without legal documents to enter the United States. DACS reveals Defendant was ordered deported by an Immigration Judge on or about May 6, 1997 and was subsequently removed to Mexico on the same date. DACS indicates Defendant was last removed to Mexico on or about May 9, 2003. Immigration records contain no evidence that Defendant has applied for, or received permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security to legally re enter the United States.

Defendant was advised of his Miranda rights and elected to answer questions without the benefit of counsel. Defendant admitted he is a citizen of El Salvador and that he has been previously deported by an Immigration Judge. Defendant admitted he has not applied for permission to re-enter the United States and knew it was illegal to attempt to re-enter the United States. Defendant stated he had intended to return home to Paramount, California.